

APPENDIX B

GOOGLE'S PROPOSED STATEMENT
REGARDING COPYRIGHTABILITY HOLDINGS

For purposes of this trial, you must assume that the declaring code and the structure, sequence and organization (or “SSO”) of the 37 Java SE API packages that Google used in Android are protected by copyright.

You must also assume that the underlying ideas, systems, methods of operation, concepts and principles that are embodied in the declaring code or the SSO—such as the idea of organizing functions of a computer program or the “package-class-method” organizational structure—are not protected by copyright.

The “declaring code” identifies a specific prewritten function and is sometimes referred to as the “method declaration,” “header” or “signature.” The purpose of this header is to name the method (or other element) and specify very precisely the inputs, output, parameters and function performed by the method, so that a programmer can understand and correctly make use of the accompanying “implementing code” that carries out the desired function. The expressions used by the programmer from the declaring code, known as the “method calls,” command the computer to execute the associated implementing code, which gives the computer the step-by-step instructions for carrying out the desired function. The declaring code for all of the methods or other elements in a package, taken as a group, also creates the structure, sequence and organization (“SSO”) of the API package in which the elements are found.

The SSO of an API package is the overall scheme that organizes the names of the methods, classes and interfaces within a package. As opposed to the specific individual headers that comprise the declaring code, the copyright in the SSO of an API package protects the specific way of naming and organizing the overall package.

Just as there are no claims in this trial based on the ideas underlying the declaring code, there are also no claims in this trial that the implementing code used by Google in the 37 accused API packages in Android, which performs the specific functions defined by the declaring code, infringes any copyright rights of Oracle.